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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 1st June 2006

No. 4312—li/1(BH)-9/1993 (Pt.)-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 4th March 2006 in Industrial Dispute Case No. 191/1994 of the Presiding Officer, Labour Court, Bhubaneswar to whom the industrial disputes between the Management of Assistant Project Manager, Cashew Development Corporation, At Murgabadi, P.O. Baripada, Dist. Mayurbhanj and its workman Shri Laxmidhar Ram, S/o Shri Rout Ram, At Khanta, P.O. Kamard, Baripada, Dist. Mayurbhanj was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE LABOUR COURT, BHUBANESWAR

INDUSTRIAL DISPUTE MISC. CASE No. 191 OF 1994

Dated the 4th March 2006

Present :

Shri P. K. Sahoo, O.S.J.S. (Jr. Branch)
Presiding Officer, Labour Court,
Bhubaneswar.

Between :

Shri Laxmidhar Ram .. Applicant
S/o Shri Raut Ram
At Khanta, P. O. Kamard, Baripada

And

Assistant Project Manager .. Opposite Party
Cashew Development Corporation
At Murgabadi, P. O. Baripada
Dist. Mayurbhanj.

Appearances :

For the Applicant . . . Shri G. K. Mohapatra

For the Opposite Party . . . Shri S. Adhikari

O R D E R

An application under Section 33-C(2) of the Industrial Disputes Act, 1947 has been filed by the applicant Laxmidhar Ram against the opposite party employer Assistant Project Manager, Cashew Development Corporation, Baripada for determination and computation of his unpaid arrear wages amounting to Rs. 2,600 for the period from the 1st April 1994 to the 30th August 1994.

2. The case of the applicant in brief is that he was working under the opposite party as a Watcher and was not paid his wages for the period from the 1st April 1994 to the 30th August 1994 to the tune of Rs. 2,600 in total. Despite approach as the arrear wages were not paid, the applicant was constrained to file the present Misc. Case against the opposite party for determination and computation of the aforesaid amount for the above period.

3. The case of the opposite party is that the applicant was paid his wages for the days he had actually worked. It is categorically averred in the show cause that generally in the Corporation the Cashew Plantation were being sold through auction to the bidders every year. As per the terms and conditions the bidder used to disengage the labourers of the Corporation working under him. The applicant was disengaged from the 1st April 1994 to the 28th May 1994 by the bidder. As the applicant was not engaged by the Corporation during the above period the opposite party is not liable to make any payment to the applicant for the above period. On the aforesaid backgrounds the opposite party has prayed for rejection of the petition filed by the applicant.

4. The applicant has examined himself as A. W. 1 but has not relied upon any document. On the other hand, the opposite party has examined one Sadananda Behera as O. P. W. 1 and has relied upon the xerox copy of the intimation given by the applicant marked as Ext. A in support of its case.

5. During evidence applicant has clearly stated that he was working as Watcher under the opposite party for a pretty long time and he was not paid his wages from the 1st April 1994 to the 30th August 1994 amounting to Rs. 2,600 although he had worked for the abovesaid period. During cross-examination he admits that the Assistant Manager had informed that the bidder would pay his wages for the claim period. The perusal of the evidence of O.P.W. 1 clearly reveals that all the wages of the applicant for the period from the 1st April 1994 to the 30th August 1994 has already been paid to him. The applicant had not worked for the month of April 1994 but the wages for the period from May 1994 to August 1994 were paid to him. During evidence he has proved the intimation letter of the applicant showing receipt of the wages till August 1994 which has already been marked as Ext. A. It is categorically stated by the O.P.W. 1 that the applicant is not entitled to get anything more from the opposite party. The evidence of O.P.W. 1 has not been challenged by the applicant. Therefore, the evidence given by O.P.W. 1 remains unchallenged.

6. From the above discussion it is crystal clear that the applicant was paid his wages till August, 1994 and Ext. A has testified the above fact. The applicant has nowhere challenged during evidence that he was not paid his wages till August, 1994. The perusal of the intimation letter Ext. A clearly emerges that the applicant was paid his wages for the period from May, 1994 to August, 1994. As he had not worked for the month of April, 1994 he was not paid his wages for that month.

7. After carefully examining the evidence adduced from both the sides it is clearly evident that the applicant was paid his wages for the days he had worked under the opposite party and the receipt of wages for the claim period has been well established by the opposite-party during evidence. The intimation letter already marked as Ext. A clearly shows that the applicant was paid his wages for the period he has claimed. O. P. W. 1 in his evidence has categorically stated that the applicant had not worked for the month of April, 1994 and, therefore, he is not entitled to get any wages for the said month. The above evidence given by O.P.W. 1 has not been challenged by the applicant. Therefore, I find no reason to disbelieve the testimony of O.P.W. 1. Apart from that, the document Ext. A has also not been disputed by the applicant anywhere in the evidence which clearly goes to show that he was paid his wages for the days he had actually worked under the opposite party. In that view of the matter, the applicant is not entitled for any relief.

8. Hence it is ordered :

ORDER

That the present Misc. Case stands dismissed on context but without any cost. The applicant is not entitled to get any relief as prayed for. In that view of the matter, the claim of the applicant is not capable of computation in terms of money.

The Misc. Case is thus disposed of accordingly.

Dictated and corrected by me.

P. K. SAHOO
4-3-2006
Presiding Officer,
Labour Court, Bhubaneswar

P. K. SAHOO
4-3-2006
Presiding Officer,
Labour Court, Bhubaneswar

By order of the Governor
N. C. RAY
Under-Secretary to Government